

**Grievance Redressal Forum
TPWODL, BARGARH**

First Floor, Raymond Building, Bandutikra Chowk,
Bargarh, Pin- 768028

Email: grf.bargarh@tpwesternodisha.com, Ph No.06646-230135

Bench: Sri B.K Singh (President) and Sri S. Tripathy, Member (Finance)



Ref: GRF/Bargarh/Div/BWED/ (Final Order)/ 123⁽⁴⁾

Date: 08.10.2024

Present: Sri B. K Singh (President),
Sri S. Tripathy, Member (Finance).

1	Case No.	BGH/99/2024			
2	Complainant/s	Name & Address	Consumer No	Contact No.	
		Bisweswar Sahu At-Sarsara, Sohela Dist-Bargarh	5153-0219-1411	7991094275	
3	Respondent/s	SDO(Electrical), Sohela, TPWODL		Division B.W.E.D, TPWODL, Bargarh	
4	Date of Application	04.09.24			
5	In the matter of-	1. Agreement/Termination	X	2. Billing Disputes	√
		3. Classification/Reclassification of Consumers	X	4. Contract Demand / Connected Load	X
		5. Disconnection / Reconnection of Supply	X	6. Installation of Equipment & apparatus of Consumer	X
		7. Interruptions	X	8. Metering	X
		9. New Connection	X	10. Quality of Supply & GSOP	X
		11. Security Deposit / Interest	X	12. Shifting of Service Connection & equipments	X
		13. Transfer of Consumer Ownership	X	14. Voltage Fluctuations	X
		15. Others (Specify) -X			
6	Section(s) of Electricity Act, 2003 involved				
7	OERC Regulation(s) with Clauses	1. OERC Distribution (Conditions of Supply) Code, 2019√			
		2. OERC Distribution (Licensee's Standard of Performance) Regulations, 2004			
		3. OERC Conduct of Business) Regulations, 2004			
		4. Odisha Grid Code (OGC) Regulation, 2006			
		5. OERC (Terms and Conditions for Determination of Tariff) Regulations, 2004			
		6. Others			
8	Date(s) of Hearing	18.09.24 & 27.09.24			
9	Date of Order	08.10.2024			
10	Order in favour of	Complainant	√	Respondent	Others
11	Details of Compensation awarded, if any.	NIL			



Hearing At: Office of President, GRF, Bargarh, TPWODL.

Appeared

For the Complainant- Sri Bisweswar Sahu

For the Respondent – SDO(Elect), Sohela

Represented by

1. EE, BWED, Bargarh, TPWODL
2. SDO (Elect.), Sohela, TPWODL.
3. SDO, MRT, TPWODL, Bargarh
4. Manager, (E & A), TPWODL, Bargarh

GRF Case No- BGH/99/2024

(1) Bisweswar Sahu
At-Sarsara, Sohela
Dist- Bargarh.
Consumer No.- 5153-0219-1411

COMPLAINANT

VRS

(1) SDO (Elect.) Sohela, TPWODL

OPPOSITE PARTY

GIST OF THE CASE

The Complaint petition filed by Sri Bisweswar Sahu, At-Sarsara, Dist-Bargarh, disputed about abnormal, unjust and unfair bill amount of Rs. 8,86,562/- raised as on dt. 25.06.2024. The Complainant averred that his Lift Irrigation Point was erected during May 2016 and actual connection was extended during Sept 2016, but no such monthly bills were served to him till Dec 2022. It was only during Jan -Feb 2023 , a bill amount of RS. 5,620/- was served to him. The complainant submitted that, his old electric meter was removed by the MRT staff for testing without his knowledge , but later on 11.10.2023, a new meter was installed in the premises. The complainant alleged that the power supply to his Lift irrigation Point has been disconnected since Feb 2023, on the ground of false notion that, the complainant has extended his supply to a brick manufacturing unit and other two Lift Irrigation Points adjacent to his premises. The complainant in his petition made affirmation that other two beneficiaries namely, Sri Mohan Bhoi and Sri Netrananda Bhoi of Sarsara Village along with the complainant had borne the cost of 25 KVA Transformer that was erected at the premises for agricultural purposes, but officially in the name of the complainant himself. Further, the electricity has been connected to above two Lift Irrigation Points, additionally from the complainant's connection, which has been in the knowledge of the Opposite Party, but no electric connection was extended from his point to the bricks factory, which is false, frivolous and vexatious. The complainant further submitted that the meter reading as ascertained to "21799" units as recorded in new meter installed, from 11.10.2023 to 31.01.2024, is absolutely absurd, fabricated and without his knowledge. The complainant has submitted One copy of grievance petition addressed to SDO(Elect) along with the application. Further, the complainant mentioned in the application that, he has deposited Rs. 20,000/- towards energy charges vide M.R No. B69596041, dt. 24.11.2022.

Hence, the Complainant prayed before the Forum to direct the Opposite Party to revise and generate actual energy bills on reality basis for necessary payment and urges to reconnect the Power

PRESIDENT

**Grievance Redressal Forum
TPWODL, Bargarh-768028**



supply to his Lift Irrigation Point for timely operation of agricultural activities and regularize the other two Lift Irrigation Points attached to his points by installation of separate meters.

The case being admitted, notice was issued to both the parties to appear for hearing on 18.09.2024, wherein the complainant was present before the Forum and the Opposite Party remained absent for the day. The case was heard at length and the complainant re-iterated his complaint and prayed for restoration of Power Supply to his Lift Irrigation Point. During the course of hearing, the complainant made an oral submission in line with the original filed petition, that the electric line being available to his Lift Irrigation Point is also being utilized by another two beneficiaries for agricultural activities, which is known to the complainant and agreed among them to share their electricity dues. Hence, the complainant is known to the facts stated above.

In the matter of authenticity of energy bills already raised based on the meter readings submitted and theft assessment done against misuse of tariff with additional bill amount of RS. 7,07,625/-, could not be ascertained on the date. The case was re-heard on 27.09.2024, wherein the complainant was present before the Forum and the Opposite party namely Sri Anupam Das, Executive Engineer (Elect), BWED, Bargarh, Sri Sankar Behera, SDO, MRT, BWED, Bargarh were additionally called upon to represent the case, but SDO (Elect), Sohela, remained absent on the date.

The Opposite Party was asked to submit the following documents to ascertain the authenticity of the claim made by the complainant.

1. Line diagram of the complainant's premises along with other two L.I Points and Brick manufacturing unit.
2. Metering details of the complainant's connection along with other two L.I Points and Brick manufacturing unit
3. Date of power supply to the other two L.I points and the Brick manufacturing factory.
4. Latest Physical Verification Reports mentioning the connection details
5. Billing details of the other two L.I points along with the complainant
6. Proof of records, if any justifying extension of power supply to the Bricks Factory
7. OCR reading/photo reading recorded in Jan 2024 billing in meter Sl No. "10034797".
8. Last Meter change Protocol & initial meter installation report.
9. Dump report of old meter bearing Sl No. "WES48136" of last one year before replacement.
10. Dump Report of new meter bearing Sl No. "10034797"
11. Joint inspection report

SUBMISSION OF OPPOSITE PARTY

The Opposite Party in reply to the case submitted the single line diagram of the complainant's premises, Physical Verification Report dt. 26.09.2023, the Ledger abstract, copy of latest Physical Verification Report dt. 20.09.2024, copy of last meter change protocol dt. 06.10.2023, initial meter test/installation report dt. 09.06.2016, the copies of dump report of old meter and new meter installed, the copy of joint inspection report and written submission to the case. In reply to the case the Opposite party submitted that, the complainant has authorized power supply from dt. 11.05.2016 having Meter Sl No. "WES48136". In the billing month of Sept 2023, an abnormal unit, i.e "457324" KWH had punched

on actual basis on dt. 04.10.2023. Thereafter, a new smart meter bearing Sl No. "10034797" was installed at site on dt. 12.10.2023, after declaring the old meter as defective. The complainant avails power supply from other LT sources and run 3 nos of water pumps of 3HP 1 no and 5HP 2 nos for agricultural purpose. An inspection was done on dt. 26.09.2023 and penalty for an amount of Rs. 7,07,625/- was charged against the complainant for misuse of tariff.

On hearing to the case, the Opposite Party affirmed that, the meter readings recorded in Sept 2023 billing was found to be correct with documentary proof of records submitted, i.e dump reports of old meter of last one year data before the replacement of same, along with a copy of meter test report of meter Sl No. "WES48136", that was carried out on 07.11.2023. The Opposite Party confirmed on record that, the old meter bearing Sl No. "WES48136" was in working condition till 29.09.2023 and it became defective afterwards as imminent from dump analysis reports, although RTC was failed to display after 01.04.2023. The Opposite Party also proclaimed that the consumption pattern of the old meter is in line with the consumption recorded in new meter installed bearing Sl No. "10034797".

In the matter of new meter consumption recorded in Jan 2024, i.e "23145" units charged under General Purpose Tariff, the Opposite Party confirmed to the accuracy of the readings as mentioned above with copy of dump report of the same meter to substantiate the claim as raised in Jan 2024 billing. On examining the physical line status as per Single line diagram submitted by the Opposite party, the Forum enquired about views of the Opposite parties towards reconnection of power supply with physical load arrangement in place. The Executive Engineer (Elect), BWED, Bargarh TPWODL, on oral submission stated that, under the present Physical arrangement in supply that are being extended to other two Lift Irrigation Points for agricultural usage having more than 7HP load (agreed load), the Opposite Party can restore the Power Supply, presently under disconnected state to the complainants Lift Irrigation point, after necessary rectification of such extra service connections that are put in place presently to which the complainant is well aware of and also on payment of such arrear electricity dues as per Regulations in force.

OBSERVATION

The case is perused with all documents available in record and merit of the case. The complainant is an existing consumer of electricity under the operational area of TPWODL bearing Consumer No-5153-0219-1411 having CD-04 KW, under LT-General Purpose category, under ESO Bijepur-I. The Forum observed that, the Complainant's first energy bill was generated in the month of Oct-Nov-2022 on actual basis, considering the current reading of KWH "000111" as recorded in meter Sl No. WES48136. Thereafter, provisional bills were charged from Dec 2022 to Aug 2023. In the month of Sept 2023, the energy bill was charged abnormally on actual basis with "457324" units, considering the current reading of KWH "457435" recorded in meter Sl No. "WES48156", thereby charging Rs. 6,98,375.70/- in a single month. It was noticed from ledger abstract that, no bill units were charged from Oct 2023 to Dec 2023, to which the Opposite party confirmed about the fact, but the reason for the same could not be submitted in writing.

In the matter of theft assessment, bill raised to the complainant towards misuse of tariff/ unauthorized use of electricity detected on 26.09.2023 with final assessment bill of RS. 07,07,625/- for extending power supply to Bricks Factory adjacent to the Lift Irrigation Point, the Forum insisted the

Complainant to approach the appropriate authority separately for settlement of theft case booked which is outside the purview of the Forum. The ledger abstract revealed that, the complainant's energy billing tariff category was reclassified to General Purpose (LT) from Irrigation Pumping & Agriculture (LT) on 11.10.2023 for the reason of unauthorized use of electricity detected on 26.09.2023. The ledger abstract indicated that, a new meter bearing Sl no. "10034797" was installed in the complainant's premises on 12.10.2023, replacing the old defective meter Sl No. "WES48136" with final meter reading as recorded during replacement was "457435" KWH. As per the objections raised by the complainant regarding abnormal and false meter readings recorded in old meter bearing Sl no. "WES48136", the Opposite Party clarified by submitting the meter test report carried out on 07.11.2023 and the related dump report of old meter, that on testing the same old meter was found "OK", but due to RTC of meter failed with no real time display, the same meter was simultaneously replaced with a new smart meter on 12.10.2023.

In the matter of objections raised over abnormal readings and energy billings raised against new meter installed, the Opposite Party confirmed to the current reading of KWH "21799", recorded in new meter Sl No. "10034797" in Jan 2024 billing with the proof of meter dump analysis report submitted to the Forum. From the above facts, statements & reports available on record, the Forum examined the accuracy of meter readings recorded in old meter & the new meter and found that the old meter readings recorded in Jan 2024 billing are correct in manner with relation to the Dump report of both the meters and other supplementary records as available. Hence, the Forum construed that, there were no illegitimate bill units charged, but with actual meter consumption recorded against the meters mentioned above.

With regard to the complainant's request for reconnection of power supply to the Lift irrigation Point presently under disconnected state since 21.03.2024, the Opposite Party is required to make necessary arrangements to reconnect the same after due rectification/modification of the present line supply system and upon payment made by the complainant, under the ambit of rules & regulations in force. The Forum pointed out that the existence of service lines extended to another two Lift Irrigation points originally attached to the complainant's point of supply, is still existing, which could have been rectified/corrected physically after the vigilance inspection carried out on 26.09.2023. It is imperative to state that, the complainant is not authorized and restricted to extend the power supply to any other beneficiaries even though it is arranged through consumer meter. Doing this actively would attract penal charges and other repercussions.

The other two Lift Irrigation users adjacent to the complainant's point of supply are required to apply for fresh connection individually before the Licensee for availing power supply legitimately.

On examining the case in detail, the Forum learnt to have understood that, on detection of theft of electricity on 26.09.2023, the tariff category for billing of the consumer was ironically changed thereafter on 11.10.2023 with no proof of procedures followed & submitted to the Forum as to the notice of category change to the consumer, raising of additional security deposit under General Purpose category against the available Security Deposit, Disconnection Notice served, if any, among other formalities as per current regulations in force. The Opposite party failed to submit the above details to substantiate the case. Detection of theft and simultaneously reclassification of tariff category in billing without proper procedures followed undermines the effectiveness of the regulations in vogue.

The field inspection report dt. 27.09.2024, jointly verified by the SDO(MRT), BWED, Bargarh, the Manager (E&R), BWED, Bargarh and the EE(Elect), BWED, Bargarh indicated that the purpose of power supply is appeared to be used for irrigation (Agriculture) purpose from the peripheral evidence collected. Hence, the Forum is of the considered opinion that, the complainant's tariff category so charged in energy billing in General Purpose (LT) from Irrigation Pumping & Agriculture category since 11.10.2023 are to be reverted back to its original tariff category from 11.10.2023 onwards till finalisation of the enforcement case booked. The energy bills so generated during such reclassified period are to be revised as per Irrigation Pumping & Agriculture tariff. In the event, if the appropriate authority /the Licensee decides the category of the connection used for general Purpose category (upon adjudication to the theft case booked against misuse of tariff) during such period, the Opposite Party would be required to reclassify the category into General Purpose (LT) for such period in billing database in the future date observing procedures/formalities without prejudice to the Opposite Party in this case and bill as raised under Irrigation Pumping & Agriculture category would then be revised accordingly with additional charges as per General purpose (LT) tariff subsequently.

Therefore, the Forum construed that, it would be appropriate to decide the tariff category , which the complainant has utilized the supply upon adjudication to the theft case booked against misuse of tariff and after such detection in subsequent billing with change of tariff category that ought to be required for necessary effect in billing for the related period and revision thereof. Till such time, the Opposite party is required to revert back to its original tariff category, pending disposal of the theft case booked (from General Purpose (LT) to Irrigation Pumping & Agriculture (LT) with effect from dt. 11.10.2023).

Further the Forum observed that, the payment of Rs. 20,000/- made by the complainant as mentioned in the grievance petition is not reflected in the ledger. Therefore, the payment made by the complainant is to be reconciled with the ledger on production of original Money Receipt with the Licensee and necessary adjustments ought to be carried out in billing , if such payment was not adjusted against the complainant's account.

ORDER

Considering the documents and statements submitted by both the parties and agreed upon at the time of hearing, the Forum hereby passes orders in consonance with regulations of the OERC Distribution (Conditions of Supply) Code 2019.


- 1. The Opposite Party is directed to revert back the complainant's electricity tariff category from General Purpose (LT) to Irrigation Pumping & Agriculture (LT) with effect from 11.10.2023, till finalisation of the theft case booked and revise the bills so charged to the complainant from 11.10.2023 till last billing.*
- 2. The Opposite Party is directed to serve the revised energy charges bill with revised due date within 30 days from the receipt of this Order, duly considering the applicable tariff during the period, taking in to account the adjustments, if any, and adjusting the payments made by the complainant.*



3. The Complainant is directed to pay the revised billed amount so arrived, if any, within due date after receipt of the revised energy charges bill, to which the complainant is liable to pay.

The Opposite party is directed to submit the compliance report to this Forum within one month from the date of issue of this order.

Accordingly, the case is disposed of.


(M. B. Pathy)
Grievance Redressal Forum
TPWODL, Bargarh-768028


(B.K. Singh)
(President)
Grievance Redressal Forum
TPWODL, Bargarh-768028

Copy to: -

1. Sri Bisweswar Sahu, At-Sarsara, Sohela, Dist-Bargarh, Mob-7991094275.
2. Sub-Divisional Officer (Elect.), Sohela, TPWODL, with the direction to serve one copy of the order to the Complainant/Consumer.
3. Executive Engineer (Elect.), BWED, TPWODL, Bargarh.
4. The Chief Legal-cum-Nodal Officer, TPWODL, Burla for information.

“If the complainant is aggrieved either by this order or due to non-implementation of the order of the Grievance Redressal Forum in time, he/she is at liberty to make representation to the Ombudsman-II, Qrs. No.3R-2(S), GRIDCO Colony, P.O:Bhoinagar, Bhubaneswar-751022 (Tel No. 0674-2543825 and Fax No. 0674-2546264) within 30 days from the date of this order of the Grievance Redressal Forums.”

This Order can be accessed on OERC website, www.orienc.org under the “head “Cases->”GRF”.